

1 Kim O. Dincel, Esq. (SBN 131563)  
 2 Long & Levit LLP  
 3 465 California Street 5th Floor  
 San Francisco, California 94104  
 4 Tel (415) 397-2222 Fax (415) 397-6392  
 E-mail kdincel@longlevit.com

5 JUDD BURSTEIN, P.C.  
 6 Judd Burstein, Esq. (admitted *pro hac vice*)  
 Jeremy M. Attie, Esq. (admitted *pro hac vice*)  
 7 1790 Broadway, Suite 1501  
 New York, New York 10019  
 Tel (212) 974-2400 Fax (212) 974-2944  
 E-mail jburstein@burlaw.com  
 E-mail jattie@burlaw.com

8  
 9 *Attorneys for Plaintiff,*  
 SHANE D. MOSLEY, SR.

10

11

12 UNITED STATES DISTRICT COURT  
 13 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 14 SAN FRANCISCO DIVISION

15

16

17

18

19

20

21

22

23

24

25

26

27

28

SHANE D. MOSLEY, SR.,  <i>Plaintiff,</i>  vs.  VICTOR CONTE,  <i>Defendant.</i>	}) }) }) }) })	Case No. 08-Civ-1777 (JSW)  <b>[PROPOSED] ORDER TO SHORTEN            THE DEADLINES SET FORTH IN THE            ORDER SETTING INITIAL CASE            MANAGEMENT CONFERENCE AND  <u>FOR EXPEDITED DISCOVERY</u></b>
---	----------------------------	---

---

WHEREAS, an application for an Order pursuant to L.R. 7-11 to shorten the deadlines set forth in the Order Scheduling Initial Case Management and Conference, and for concomitant leave to conduct expedited discovery, brought by Plaintiff Shane D. Mosley, Sr. ("Plaintiff" or "Mosley"), came on for hearing before this Court on May \_\_, 2008.

WHEREAS, Judd Burstein, Esq., and Kim O. Dincel, Esq., appeared on behalf of Plaintiff, and Ivo Labar, Esq., appeared on behalf of defendant Victor Conte.

1        WHEREAS, “[d]istrict courts have an inherent power to control their dockets.” *See Local*  
2        Rule 7-11 and *In re Phenylpropanolamine (PPA) Production Liability Litigation*, 460 F.3d 1217,  
3        1227 (9<sup>th</sup> Cir. 2006).

4        WHEREAS, as quoted in the *New York Daily News*, as of in or around September 2008,  
5        Conte intends to publish on a national scale statements about Plaintiff that Plaintiff contends are  
6        defamatory. (Exhibit C to the April 29, 2008 Declaration of Judd Burstein, Esq.).

7        WHEREAS, the Court has the power to prevent re-publications of statements that are  
8        judicially determined to be defamatory. *See Balboa Island Village Inn, Inc. v. Lemen*, 40 Cal.4th  
9        1141, 1151, 57 Cal.Rptr.3d 320, 331 (2007) (“[F]ollowing a trial at which it is determined that the  
10      defendant defamed the plaintiff, the court may issue an injunction prohibiting the defendant from  
11      repeating the statements determined to be defamatory...”).

12        NOW, having read the motion, the points and authorities, and the declarations filed by the  
13      parties, and having heard argument of counsel, and satisfactory evidence having been presented:

14        IT IS ORDERED THAT the deadlines set forth in the Order Setting Initial Case Management  
15      Conference and ADR Deadlines are amended and shortened as follows: (i) May 12, 2008, as the last  
16      day to meet and confer for, *inter alia*, initial disclosures, ADR process selection and set a discovery  
17      plan; (ii) May 19, 2008, as the last day to file the Rule 26(f) Report, complete initial disclosures or  
18      state objections in the Rule 26(f) Report and file a Case Management Statement; and (iii) May 30,  
19      2008, as the date for the Initial Case Management Conference; and

20

21

22

23

24

25

26

27

28

1 IT IS FURTHER ORDERED THAT the parties are permitted to serve discovery demands  
2 and proceed with discovery prior to the Initial Case Management Conference.

3 IT IS SO ORDERED.

4

5 Dated: \_\_\_\_\_, 2008

6

7

Hon. Jeffrey S. White

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28